

# EXHIBIT

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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION  
3

4 IN RE iPhone APPLICATION )  
LITIGATION, )  
5 ) Case No. 5:11-MD-02550-LHK  
6 ) Volume 1  
7 )  
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10 )  
11 ) Pages 1 to 128  
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11 VIDEOTAPED DEPOSITION OF LODOVICO MARZIALE, Ph.D.  
12 Los Angeles, California  
13 Tuesday, February 5, 2013  
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23 Reported by:

24 ELIZABETH BORRELLI, CSR No. 7844, CCLL, CLR

25 JOB NO. 57869

1 from a Mac address is not -- I don't have any way of  
2 knowing if this can be interpreted as location  
3 information by someone else -- by anyone else --

4 [Reporter requests clarification.]

5 BY MS. BERINGER:

6 Q. So then it's fair to say that you,  
7 yourself, aren't aware of any user's location  
8 information that was contained in the data packet  
9 that was transmitted to Apple servers?

10 MR. PARISI: Hold on. Objection.  
11 Ambiguous, compound, argumentative, asked and  
12 answered.

13 THE WITNESS: I can only tell you what I  
14 saw go across the wire, and what I saw go across the  
15 wire was -- was Mac addresses, these BSSIDs for  
16 wireless access points. How someone interprets or  
17 uses those as for location information or not, I  
18 just do not know.

19 BY MS. BERINGER:

20 Q. And you did not see any information about  
21 a user in those data packets, correct?

22 MR. PARISI: Objection. Ambiguous.

23 THE WITNESS: I did not see anything about  
24 a user in these packets.

25 BY MS. BERINGER:

1 Q. And you did not see anything about these  
2 sending test device in those packets, correct?

3 MR. PARISI: Objection. Ambiguous. I  
4 don't know what it means.

5 THE WITNESS: Well, there was information  
6 on the device, including the OS version and firmware  
7 revision and possibly other things. If -- I'd have  
8 to go back and look at the original capture.

9 BY MS. BERINGER:

10 Q. But did you see anything that identified  
11 the device?

12 A. Well --

13 MR. PARISI: Objection. Ambiguous as  
14 phrased.

15 THE WITNESS: -- it's locale, operating  
16 system and firmware revision were identified --

17 [Reporter requests clarification.]

18 THE WITNESS: Operating system version and  
19 firmware revision were identified.

20 BY MS. BERINGER:

21 Q. Do you have any reason to believe that if  
22 you were provided with information that appears in  
23 line 59, English, U.S., 4.1 and 88117, could you  
24 identify the device that corresponded to that  
25 information?

1           A.    No, I couldn't, especially if you rely  
2           only on that information. There's other encoded  
3           information in there that I can't decode, so.

4           Q.    But you don't know what's in that encoded  
5           information, correct?

6           A.    Correct.

7           Q.    But you would agree that it would not be  
8           possible to identify a device based merely on the  
9           information contained in line 59?

10          A.    I cannot uniquely identify a device based  
11          on its locale, operating system version and firmware  
12          revision, no.

13                MS. BERINGER: Can we introduce Exhibit B?

14                MR. WALKER: Yep.

15                MS. BERINGER: What number is this?

16                MR. WALKER: Just a second.

17                MS. BERINGER: No worries.

18                MR. WALKER: I forget.

19                MR. PARISI: I think it's 67.

20                MR. WALKER: 67.

21                (Whereupon Exhibit 67 was marked for  
22                identification.)

23                THE REPORTER: 67.

24           BY MS. BERINGER:

25           Q.    Dr. Marziale, we've handed you as

1 Exhibit 67 a document that contains various BSSIDs  
2 and other data, and I would ask you to assume that  
3 that was captured from an iOS device --

4 A. Yes.

5 Q. -- while location services was off, the  
6 information that you see reflected on that document.

7 Do you see any data elements on Exhibit 67  
8 that appear to be BSSIDs?

9 MR. PARISI: Objection. Vague.

10 THE WITNESS: These Mac I.D.s appear to be  
11 similar to BSSIDs.

12 BY MS. BERINGER:

13 Q. Do you see any information -- any other  
14 information other than Mac I.D.s on Exhibit 67?

15 MR. PARISI: Objection. Vague.

16 THE WITNESS: Do I see any other  
17 information -- there's plenty of other information  
18 on the page. Yes.

19 BY MS. BERINGER:

20 Q. Is there any information on the page that  
21 you would consider to be a user's location  
22 information?

23 A. Any other information aside from the  
24 wireless app, Mac I.D. stuff?

25 Q. Any information at all.

1           Let me ask it this way: Which -- which  
2           user's location information, if any, is reflected on  
3           Exhibit 67?

4           MR. PARISI: Objection. Incomplete  
5           hypothetical.

6           THE WITNESS: In theory these wireless  
7           access point Mac I.D.s could be used to pinpoint a  
8           user's location.

9           BY MS. BERINGER:

10          Q.    Which user's location?

11          MR. PARISI: Objection. Ambiguous.

12          THE WITNESS: I can't tell from this.

13          BY MS. BERINGER:

14          Q.    Why can't you tell from this? What would  
15                you need to know to be able to actually pinpoint a  
16                user's location using the information on Exhibit 67?

17          MR. PARISI: Objection. Calls for  
18                speculation.

19          THE WITNESS: Yeah, that's a pretty vague  
20                question. Any number of things. You could just  
21                tell me the answer.

22                Would you repeat the question, please?

23          BY MS. BERINGER:

24          Q.    Well, what would you need to know to be  
25                able to identify a user's location information using

1 the information in Exhibit 67?

2 MR. PARISI: Objection. Calls for  
3 speculation.

4 THE WITNESS: Using the information that's  
5 right here, I could identify the location of a  
6 handset.

7 BY MS. BERINGER:

8 Q. And how would you do that?

9 A. If I had a -- this is all speculative,  
10 right? If I had a database that mapped wireless  
11 access point locations to their hardware addresses  
12 and then a device sent these things to me and I know  
13 where these wireless access points are then I know  
14 where the handset is.

15 Q. Do you -- do you have a database that  
16 allows you to map these Mac I.D.s to a particular  
17 location?

18 A. I do not personally own one, no.

19 Q. And assuming you were able to -- how many  
20 Mac I.D.s approximately do you see reflected on  
21 Exhibit 67?

22 A. About four.

23 Q. Okay.

24 And assuming that those -- that you were  
25 able to look up those Mac I.D.s and find the